

THE HONORABLE THOMAS S. ZILLY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

UNITED STATES, in its own right and on)
Behalf of the Lummi Nation,)

Case No. C01-0047Z

Plaintiff,)

MOTION TO DISMISS
DEFENDANT JONN RANDEL

LUMMI INDIAN NATION,)

Plaintiff-Intervenor,)

v.)

NOTE FOR CONSIDERATION:
March 31, 2006

STATE OF WASHINGTON)
DEPARTMENT OF ECOLOGY, et al.,)

Defendants.)

1. Relief Sought

Defendant Jonn Randel (hereafter "Randel") moves the Court for an order dismissing him from this lawsuit.

2. Basis for the Motion

Defendant Randel has been a defendant in this lawsuit as an owner of real estate within the case area (legally described in the attached Declaration) based on the following allegations in plaintiffs' pleadings:

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(a) Plaintiff United States' Second Amended Complaint, paragraph 12:

"...Pumper Defendants and Non-pumping Defendants own fee land within the Lummi Indian Reservation."

(b) Plaintiff Lummi Nation's Amended Complaint in Intervention, paragraph 8:

"Pumping of ground water by defendant water associations and individual fee land well users (collectively, "Private Defendants") on the Lummi Peninsula area of the Reservation is interfering with and irreparably harming the Nation's ability to plan for and exercise its Treaty-protected right to use that water for its homeland purposes.

Defendant Randel has sold his entire interest in real estate within the case area as shown in the attached Declaration, and now owns no interest in real estate (or water) within the case area. The plaintiffs' issues in this lawsuit have become moot as to this defendant.

3. Authority

FRCP provides in part:

RULE 21: "Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just."

This defendant respectfully requests the court enter the order dismissing him from this lawsuit.

Dated this 2nd day of March, 2006.

BRETT & DAUGERT, PLLC

By /s/ Gene Knapp

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